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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,463	08/15/2003	Richard A. Gottscho	LAMIPI4IDI	2171
	7590 12/07/2004	<b>X</b>	EXAMINER ·	
BEYER WEAVER & THOMAS LLP P.O. BOX 778 BERKELEY, CA 94704-0778			MEEKS, TIMOTHY HOWARD	
			ART UNIT	PAPER NUMBER
			1762	

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary  ## Difference		Application No.	Applicant(s)				
Timothy H. Meeks  Timothy H. Meeks  Tif62  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of this communication appears on the cover sheet with the correspondence address − Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  The MAILING DATE OF THIS COMMUNICATION (and the communication is the state St (s) (MONTHS from the mining date of this communication.  If the period for reply sepacified above is less has hely (30) stays, a reply white the statutory reproved upgar and will agree St (s) (MONTHS from the remailing date of this communication.  Any reply received by the Office lister than theme moretins after the mailing date of this communication, even if timely filed, may reduce any seamed patholist time adjustment. See 37 CFR 1.76(t))  Status  1) □ Responsive to communication (s) filed on 15 October 2004.  2a) □ This action is FINAL.  2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parto Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4  □ Claim(s) 1-20 isfare pending in the application.  4a) Of the above claim(s) 1 isfare withdrawn from consideration.  5  □ Claim(s)	Office Action Community	10/642,463	GOTTSCHO ET AL.				
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensive from tensive to waisblook useful be provided on 37 CPT 1-136(a). In no worst, however, may a resty be timely filed  Extensive from tensive to waisblook useful be provided on 37 CPT 1-136(a). In no worst, however, may a resty be timely filed  If the pariod for reply seported above is less than thiny (30) abys, a reply within the statistury reminimum of thigol stays will be considered simply,  If the pariod for reply seported above is less than thiny (30) abys, a reply within the statistury reminimum of thigol stays will be considered simply.  If the pariod for reply is specified above is less than thiny (30) abys, a reply with the statistury reminimum of this pariod of this communication.  Any reply received by the Office later than there more than a thin the mailing date of this communication.  Any reply received by the Office later than there more after the mailing date of this communication.  Any reply received by the Office later than there more after the mailing date of this communication.  This action is FINAL.  2b) ☐ This action is FINAL.  2b) ☐ This action is non-final.  3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4 ☑ Claim(s) 1-22 isfare pending in the application.  4 ☑ Claim(s) 1-22 isfare pending in the application.  5 ☑ Claim(s) 2-22 isfare rejected.  5 ☑ Claim(s) 2-22 isfare rejected.  6 ☑ Claim(s) 2-22 isfare achieved to by the Examiner.  10 ☑ The above claim(s) 1 isfare withdrawn from consideration.  5 ☑ Claim(s) 1-22 are subject to restriction and/or election requirement.  Application Papers  9 ☑ The specification is objected to by the Examiner.  10 ☑ The cartification is obje	Oπice Action Summary	Examiner	Art Unit				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Each SIX (8) MONTHS from the maining date of this communication.  If the pandor for reply specified above, the maining date of this communication is the part of the reply is specified above, the maining state of the specified apply and will expire SIX (8) MONTHS from the maining date of this communication.  If the pandor for reply specified above, the maining state of the specified apply and will expire SIX (8) MONTHS from the maining date of this communication, even if small the part of the specified above, the maining state of this communication, even if small feet of this communication, even if small the part of the specified above, the maining date of this communication, even if small feet on the specified above, the maining date of this communication, even if small feet on the part of the specified and the specified above, the maining date of this communication, even if small feet on the specified and part of the specified and part of the specified and part of the specification is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1:20 is/are pending in the application.  4a) Of the above claim(s) 1 is/are withdrawn from consideration.  5b □ Claim(s) 1:20 is/are allowed.  6b □ Claim(s) 2:20 is/are plected.  7b □ Claim(s) 2:20 is/are plected.  7c □ Claim(s) 2:20 is/are plected to the specification is objected to by the Examiner.  Application Papers  9) □ The drawing(s) field on 15 August 2003 is/are: a) □ accepted or b) □ objected to by the Examiner.  Application papers  9) □ The drawing(s) field on 15 August 2003 is/are: a) □ accepted or b) □ objected to by the Examiner.  Application papers  10 □ The drawing(s) field on 15 August 2003 is/are: a) □ accepted or b) □ objected to by the Examiner.  Application from the Int							
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2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) 1 is/are withdrawn from consideration. 5)  Claim(s) is/are allowed. 6)  Claim(s) 2-20 is/are rejected. 7)  Claim(s) is/are objected to. 8)  Claim(s) 1-20 are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner. 10)  The drawing(s) filed on 15 August 2003 is/are: a)  accepted or b)  objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)  All b)  Some * c) None of: 1.  Certified copies of the priority documents have been received in Application No. 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1)  Notice of References Cited (PTO-892)  Notice of Informal Patent Application (PTO-152)	Status						
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Paper No(s)/Mail Date <u>20040123</u> . 6) Other:							

Application/Control Number: 10/642,463

Art Unit: 1762

## **DETAILED ACTION**

## Election/Restrictions

Applicant's election without traverse of claims 2-20 in the reply filed on 10/15/04 is acknowledged.

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2-20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Bailey, III et al. (2003/0155079).

The claimed process is explicitly disclosed at paragraphs 32-40 and 50-52.

Claims 2, 3, 5, 6, 8, 10, 13, and 14 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Singh et al. (6,042,687)

The process as claimed is explicitly disclosed at the abstract, col. 4, lines 30-45, col. 5, lines 60-65, and col. 6, lines 55-65.

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Claims 2-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hartig et al. (5,683,548).

The claimed process is explicitly disclosed in the abstract and col. 4, lines 10-63.

Claims 2, 3, 5, 6, and 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Krusell et al. (5,304,398).

The process as claimed is explicitly disclosed at col. 3, lines 30-50 and col. 4, lines 40-45.

Claims 2 and 3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kondo et al. (5,304,247).

The process as claimed is explicitly disclosed at col. 5, lines 35-36 and col. 9, lines 18-55.

Claims 2, 3, 9, 10, and 13-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by JP 62-253634 (JPO abstract).

The claimed process is explicitly disclosed in the JPO abstract.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy H. Meeks whose telephone number is (571) 272-1423. The examiner can normally be reached on Mon 6-6, T-Th 9-5.

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Business Center (EBC) at 866-217-9197 (toll-free).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P. Beck can be reached on (571) 272-1415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

∜imothy H Meeks Primary Examiner Art Unit 1762